

Response

The claims were amended in accordance with the amendments above. All of the amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

Applicant appreciates the courtesies extended by the Examiner during the telephonic interview on 05/16/05. The claims have been amended as discussed in the interview. While no agreement was reached during the interview, Applicant believes that the present amendments place the claims in a condition for allowance.

In the Office Action dated 04/18/2005, claim 46 was objected to because the numbering of claim 46 was inadvertently shown twice in the claim section. Applicant acknowledges that, as a result, the Examiner renumbered claims 46-63 to read claims 47-64.

Claims 39-40, 42, 44-47, 51, 52, 54-58, and 60-64 were rejected under 35 U.S.C. § 102(e) as being anticipated by Assisi (US 5,696,488). Claims 41, 43, 48-50, 53, and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Assisi (US 5,696,488) in view of Evans, III (US 5,732,231). Applicant respectfully traverses all rejections.

Assisi discloses an electronic storage device with personal information. Connected to the electronic storage device is a transmitter/receiver device disposed in a recess in the gravestone of the deceased person. Assisi contains no teaching or suggestion that the transmitter/receiver is operable to receive requests for or transmit information relating to anyone other than the deceased person marked by the gravestone. Assisi contains no teaching or suggestion that a transmitter/receiver could be used to receive requests for or transmit information relating to a plurality of deceased people. Instead, one with ordinary skill in the art would conclude Assisi's transmitter/receiver is dedicated only to information relating to a single deceased

person. Assisi's disclosure of a transmitter/receiver is directed to a single deceased person: "The transmitter/receiver device 2 is connected by a data cable 4 to a computer 5 and to a storage device 6, which contains personal information on the deceased **person**." (Col. 2, ll. 15-17, emphasis added). Assisi further teaches that the transmitter/receiver is in wireless communication only with devices in the "vicinity" of the grave. (col. 2, ll. 23-26). "Vicinity" means the state of being near in space or relationship; proximity. Thus, one with ordinary skill in the art would conclude that the Assisi transmitter/receiver could communicate only with devices that are physically near the gravestone, and therefore Assisi's transmitter/receiver is limited to a single gravestone. Moreover, given the limited range of the Assisi transmitter/receiver, it would be difficult to provide for wireless communication via one of the Assisi transmitters/receivers for a plurality of gravestones, let alone over a cemetery, so Assisi actually teaches away from the invention as presently claimed.

Assisi also teaches that a plurality of storage devices and computers may be located in a central storage chamber, in which they may share a common energy source. (Col. 2, ll. 15-22). However, the Assisi Figure shows that each computer system and transmitter/receiver is dedicated to a single gravestone, and hence, a single deceased person. While an additional computer 5' is shown, the unconnected vertical line extending upwardly therefrom suggests that computer 5' has its own cable connecting its own transmitter/receiver and gravestone. In particular, Applicant notes that computer 5 and storage device 6 are in communication with a transmitter 2 via a data cable 4. This data cable 4 is shown as a vertical line extending from the computer 5 to the transmitter 2. However, the separate computer 5' and storage device 6', which contain information about a different deceased person, are not shown as being connected to the same transmitter 2 by the data cable 4. Instead, a separate vertical line extends upward from the computer 5'. Thus, one can only conclude that the computer 5' would be in communication with a separate transmitter (presumably 2') via a separate data cable (presumably 4'). Assisi provides no indication or suggestion otherwise.

Amended claims 39-64 each recite limitations that are neither disclosed nor suggested by the art of record. For instance, and without limitation, independent claim 39 now recites a receiver operable to receive requests for biographical information relating to a plurality of deceased persons, as well as a transmitter operable to transmit biographical information relating to a plurality of deceased persons. Independent claims 52 and 61 now also recite similar limitations. Applicant submits that the limitations added by the present amendments are neither disclosed nor suggested by the art of record. As discussed above, the transmitter shown in Assisi is limited in that it is operable to transmit information relating only to a single deceased person; whereas the transmitter of the present claims is operable to transmit information relating to a plurality of deceased persons. The present claims are therefore not anticipated by Assisi. Applicant further notes that Evans III fails to make up for this deficiency of Assisi, such that the present claims are not obvious. See MPEP 2143.03.

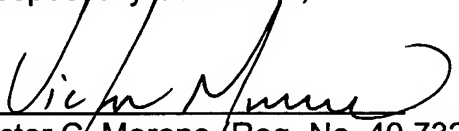
The system and method currently claimed offer multiple advantages over the system and method taught by Assisi. For instance, the transmitter of the present claims would reduce maintenance needs and costs associated with having a transmitter for each gravestone. In addition, as new deceased persons are introduced into the cemetery, and their biographical information entered into the storage system, there would be no need to provide an additional transmitter for each of those deceased persons. Furthermore, the present system would be much easier to "retrofit" in an existing cemetery. In other words, with the system of Assisi, a separate transmitter would need to be installed for each deceased person in the cemetery. By contrast, with the present system, separate transmitters would not need to be installed for each deceased person in the cemetery. Still other advantages would be apparent to those of ordinary skill in the art.

Applicant further notes that the dependent claims include additional limitations not taught or suggested in the art of record, thus forming independent basis for novelty and non-obviousness. Thus, Applicant respectfully submits that the presently amended claims are patentable over the art of record.

To the extent that the amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicant traverses the rejections and preserves all rights and arguments.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and an early notice of allowance.

Respectfully Submitted,

  
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